



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,338	08/21/2001	William J. Purpura	7784-000290	7875

7590 06/16/2005

Kelly K. Burris
Harness, Dickey & Pierce, P.L.C.
Suite 400
5445 Corporate Way
Troy, MI 48098-2683

EXAMINER

HU, JINSONG

ART UNIT PAPER NUMBER

2154

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,338

Applicant(s)

PURPURA, WILLIAM J.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination. Claims 1, 4-8, 10, 12 and 19-20 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brotherston (WO 00/63806), in view of Arazi et al. (2001/0041594).

4. As per claims 1, 7 and 11, Brotherston teaches the invention substantially a claimed including a network architecture for selectively blocking access to pay per use wide area network services [abstract] comprising:

at least one server that delivers the wide area network services [p. 6, lines 28-30];

a connection sharing computer [14, Fig. 1; p. 11, lines 20-22] in communication with the server, wherein the connection sharing computer receives the wide area network services [p. 6, lines 25-27; p. 14, line 28 – p. 15, line 9];

at least one network device comprising an wide area network protocol address [11a-c, Fig 1], the network device in communication with the connection sharing computer, wherein the connection sharing computer provides the wide area network services to the network device [p. 9, line 28 – p. 10, line 9; p. 14, line 28 – p. 15, line 9].

5. Brotherston also discloses the step of verifying a user when the user attempts to access the network, and the network accessing may be selectively blocked [259-260, Fig. 13 b; p. 14, lines 12-18; p. 22, lines 15-25; i.e., verifying whether the user is eligible to access the network service]. Brotherston does not specifically disclose a step of pinging the network device to determine presence of the network device. However, Arazi on the other hand teaches a method including the step of pinging a network device to determine presence of the network device [paragraph 17 and 19]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Brotherston and Arazi because doing so would improve the quality of the service by aware of a new user once he/she connecting to the network and providing relevant service to him/her. One of ordinary skill in the art would have been motivated to modify Brotherston's system with Arazi's pinging step to improve the performance of the system.

6. As per claim 2, Brotherston teaches a router in communication with the server to manage data flow between a plurality of networks [17, Fig. 1].

7. As per claim 3, Brotherston teaches a local mini-hub, wherein the connection sharing computer communicates with the network device through the local mini-hub [p. 6, lines 23-25].

8. As per claims 4 and 5, Brotherston teaches the wide area network Protocol address of the network device is dynamically assigned or statically assigned by the connection sharing computer using dynamic host configuration protocol [p. 5, lines 14-16].

9. As per claim 6, Brotherston teaches providing access to the server for the external wide area network device by connection sharing computer [19, Fig. 1].

10. As per claims 8 and 9, Brotherston teaches the plurality of network devices communicate with one another through the wide area network Protocol addresses, thereby forming a local network and communicate with one another using TCP/IP protocol [p. 11, line 20 – p. 12, line 8].

11. As per claim 10, Brotherston teaches the wide area network Protocol addresses of the network devices are not detectable by external wide area network devices [p. 11, lines 20-30; i.e., a new host address is used during the trip].

12. As per claims 12 –18, since they are device claims of claims 1-11, they are rejected for the same basis as claims 1-11 above.

13. As per claims 19-20, since they are method claims of claims 1 and 7, they are rejected for the same basis as claims 1 and 7 above.

Conclusion

14. Applicant's arguments filed on 3/22/05 for claims 1-20 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicant argued in substance that (1) Brotherston does not tech selectively block unauthorized users; (2) combination of two references are improper.

15. Examiner respectfully traverses applicant's remarks:

A. As to point (1), applicant fails to consider the teaching of the Brotherston's reference for verifying a user when the user attempts to access the network, and the network accessing may be selectively blocked [259-260, Fig. 13 b; p. 14, lines 12-18; p. 22, lines 15-25], i.e., verifying whether the user is eligible to access the network service], the user will not be able to access the network to order service if he/she is not eligible. Thus, Brotherston does tech selectively block unauthorized users.

B. As to point (2), combination of two references are based on logical reason and is obvious to a person with ordinary skill in the art at the time the invention was made.

Therefore, both references are relevant prior art.

16. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

June 10, 2005



VIET D. VU
PRIMARY EXAMINER